

[Submitting Counsel on Signature Page]

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION

MDL No. 3047

Case No. 4:22-03047-YGR

This Document Relates to:

ALL ACTIONS

**UPDATE REGARDING THE PARTIES'
AGENDA AND JOINT STATEMENT FOR
DECEMBER 13, 2023, CASE
MANAGEMENT CONFERENCE**

Judge: Hon. Yvonne Gonzalez Rogers

Magistrate Judge: Hon. Peter H. Kang

The Parties respectfully submit the following update and joint statement in advance of the December 13, 2023 Case Management Conference ("CMC").

I. Status of Individual Plaintiffs' Personal Injury Claims

The Parties have resolved their dispute regarding Plaintiffs' proposal to dismiss without prejudice certain claims from their Master Complaint.

Plaintiffs have proposed withdrawing Claims 6 (Negligent Undertaking), 11 (Violations of 18 U.S.C. §§ 1595 and 1591),¹ 13 (Violations of 18 U.S.C. §§ 2252A(f) and 1466A), and 15 (Violations of 18 U.S.C. §§ 2258B and 2258A) as to all Defendants, and Claims 12 (Violations of 18 U.S.C. §§ 2255 and 2252) and 14 (Violations of 18 U.S.C. §§ 2255 and 2252A(5)(b)) as to all

¹ Plaintiffs' proposal to dismiss without prejudice Count 11 was inadvertently omitted from their joint statement submitted on December 6.

Defendants other than the Meta Defendants, provided that (a) this withdrawal is without prejudice; and (b) plaintiffs who have alleged these claims in their short form complaints are provided a reasonable opportunity to amend their complaints to continue asserting these counts should they wish to do so.

Defendants have agreed to consent to the dismissal of these claims from the Master Complaint without prejudice, in exchange for Plaintiffs' agreement to stipulate (subject to Court approval) that Defendants may split their "Track 2" motion to dismiss, currently due next Monday, December 18, into two motions to dismiss.²

The first motion to dismiss, which would still be due next Monday, December 18, would cover the personal injury Plaintiffs' claims for negligence (Claim 5), loss of consortium (Claim 16), survival (Claim 17), and wrongful death (Claim 18), and Claims 12 and 14 against the Meta Defendants only.

The second motion to dismiss would be due on January 12, 2024 and would address the claims voluntarily dismissed from the Master Complaint to the extent they are reasserted in any amended short form complaints on or before January 2, 2024. The briefing schedule on the second motion to dismiss would otherwise follow the current schedule for Defendants' "Track 2" motion to dismiss, i.e., Plaintiffs' opposition would be due February 5, 2024, and Defendants' reply would be due February 26, 2024.

The Parties have agreed (subject to Court approval) to split the pages currently allocated for "Track 2" briefing (60/60/30) between these two motions to dismiss as follows: 35/35/17.5 for the motion to dismiss due December 18; and 25/25/12.5 for the motion to dismiss due January 12.

The Parties intend to file in advance of the December 13 CMC a proposed stipulated order setting forth this agreement.

II. Outstanding Coordination Order Disputes

At a case management conference held last Thursday, December 7 in the JCCP, the JCCP

² The Court has organized briefing into "four tracks: 1) the state Attorneys General complaint, as well as Claims 7, 8 and 9 of the individual plaintiffs' Master Amended Complaint ("MAC"); 2) the remaining MAC claims, with the exception of the individual plaintiffs' negligence *per se* claim; 3) the forthcoming school district plaintiffs' master complaint; and 4) claims asserted against defendant Mark Zuckerberg in his individual capacity." ECF No. 450.

1 Court indicated that it had discussed the status of Defendant discovery with this Court, and
 2 worked out an allocation of responsibilities, pursuant to which this Court will “primarily handle
 3 discovery” and the JCCP Court will focus “on the plaintiff-specific issues.” *See* 12/7/23 JCCP
 4 CMC Tr. 7:18-19, 13:22-25. In light of that allocation, subject to this Court’s guidance, the
 5 Parties agree that their Coordination Order proposals no longer need to be addressed at the
 6 December 13 CMC, and are hereby withdrawn, without prejudice to renewing those order(s) or
 7 modified order(s) down the road. The Parties will meet and confer as necessary and appropriate
 8 to coordinate these proceedings with related cases pending in state courts, and to the extent
 9 needed will return to this Court for guidance on such coordination as appropriate.

10 **IV. CSAM Order**

11 On December 12, 2023, Magistrate Judge Peter H. Kang entered the Parties’ proposed
 12 Order Governing Preservation of CSAM.

13 **V. Plaintiff Fact Sheet and Implementation Order**

14 The JCCP Court has resolved the parties’ one outstanding dispute on the proposed User
 15 Account Information Order, and the parties have now submitted a final proposed User Account
 16 Information Order, PFS implementation order, and related forms for entry by the JCCP Court.
 17 Subject to guidance from this Court, the MDL Parties intend to submit those proposed orders and
 18 forms for entry by this Court (conformed as appropriate for the MDL) following entry by the
 19 JCCP Court.

20
 21 DATED: December 12, 2023

22 Respectfully submitted,

23 /s/ Previn Warren
 24 PREVIN WARREN
 25 MOTLEY RICE LLC
 26 401 9th Street NW Suite 630
 Washington DC 20004
 T: 202-386-9610
 pwarren@motleyrice.com

27 LEXI J. HAZAM
 28 LIEFF CABRASER HEIMANN &
 BERNSTEIN, LLP

275 BATTERY STREET, 29TH FLOOR
SAN FRANCISCO, CA 94111-3339
Telephone: 415-956-1000
lhazam@lchb.com

CHRISTOPHER A. SEEGER
SEEGER WEISS, LLP
55 CHALLENGER ROAD, 6TH FLOOR
RIDGEFIELD PARK, NJ 07660
Telephone: 973-639-9100
Facsimile: 973-679-8656
cseeger@seegerweiss.com

Co-Lead Counsel

JENNIE LEE ANDERSON
ANDRUS ANDERSON, LLP
155 MONTGOMERY STREET, SUITE 900
SAN FRANCISCO, CA 94104
Telephone: 415-986-1400
jennie@andrusanderson.com

Liaison Counsel

JOSEPH G. VANZANDT
**BEASLEY ALLEN CROW METHVIN
PORTIS & MILES, P.C.**
234 COMMERCE STREET
MONTGOMERY, AL 36103
Telephone: 334-269-2343
joseph.vanzandt@beasleyallen.com

EMILY C. JEFFCOTT
MORGAN & MORGAN
220 W. GARDEN STREET, 9TH FLOOR
PENSACOLA, FL 32502
Telephone: 850-316-9100
ejeffcott@forthepeople.com

RON AUSTIN
RON AUSTIN LAW
400 Manhattan Blvd.
Harvey LA, 70058
Telephone: (504) 227-8100
raustin@ronaustinlaw.com

MATTHEW BERGMAN
GLENN DRAPER
SOCIAL MEDIA VICTIMS LAW CENTER
821 SECOND AVENUE, SUITE 2100
SEATTLE, WA 98104
Telephone: 206-741-4862
matt@socialmediavictims.org
glenn@socialmediavictims.org

JAMES J. BILSBORROW
WEITZ & LUXENBERG, PC
700 BROADWAY
NEW YORK, NY 10003
Telephone: 212-558-5500
Facsimile: 212-344-5461
jbilsborrow@weitzlux.com

PAIGE BOLDT
WATTS GUERRA LLP
4 Dominion Drive, Bldg. 3, Suite 100
San Antonio, TX 78257
T: 210-448-0500
PBoldt@WattsGuerra.com

THOMAS P. CARTMELL
WAGSTAFF & CARTMELL LLP
4740 Grand Avenue, Suite 300
Kansas City, MO 64112
T: 816-701 1100
tcartmell@wcllp.com

JAYNE CONROY
SIMMONS HANLY CONROY, LLC
112 MADISON AVE, 7TH FLOOR
NEW YORK, NY 10016
Telephone: 917-882-5522
jconroy@simmonsfirm.com

CARRIE GOLDBERG
C.A. GOLDBERG, PLLC
16 Court St.
Brooklyn, NY 11241
T: (646) 666-8908
carrie@cagoldberglaw.com

KIRK GOZA
GOZA & HONNOLD, LLC
9500 Nall Avenue, Suite 400
Overland Park, KS 66207
T: 913-451-3433
kgoza@gohonlaw.com

SIN-TING MARY LIU
**AYLSTOCK WITKIN KREIS &
OVERHOLTZ, PLLC**
17 EAST MAIN STREET, SUITE 200
PENSACOLA, FL 32502
Telephone: 510-698-9566
mliu@awkolaw.com

ANDRE MURA
GIBBS LAW GROUP, LLP

1 1111 BROADWAY, SUITE 2100
2 OAKLAND, CA 94607
3 Telephone: 510-350-9717
4 amm@classlawgroup.com

5 EMMIE PAULOS
6 **LEVIN PAPANTONIO RAFFERTY**
7 316 SOUTH BAYLEN STREET, SUITE 600
8 PENSACOLA, FL 32502
9 Telephone: 850-435-7107
10 epaulos@levinlaw.com

11 ROLAND TELLIS
12 DAVID FERNANDES
13 **BARON & BUDD, P.C.**
14 15910 Ventura Boulevard, Suite 1600
15 Encino, CA 91436
16 Telephone: (818) 839-2333
17 Facsimile: (818) 986-9698
18 rtellis@baronbudd.com
19 dfernandes@baronbudd.com

20 ALEXANDRA WALSH
21 **WALSH LAW**
22 1050 Connecticut Ave, NW, Suite 500
23 Washington D.C. 20036
24 T: 202-780-3014
25 awalsh@alexwalshlaw.com

26 MICHAEL M. WEINKOWITZ
27 **LEVIN SEDRAN & BERMAN, LLP**
28 510 WALNUT STREET
SUITE 500
PHILADELPHIA, PA 19106
Telephone: 215-592-1500
mweinkowitz@lfsbalw.com

DIANDRA "FU" DEBROSSE ZIMMERMANN
DICELLO LEVITT
505 20th St North
Suite 1500
Birmingham, Alabama 35203
Telephone: 205.855.5700
fu@dicellolevitt.com

HILLARY NAPPI
HACH & ROSE LLP
112 Madison Avenue, 10th Floor
New York, New York 10016
Tel: 212.213.8311
hnappi@hrsclaw.com

JAMES MARSH

1 **MARSH LAW FIRM PLLC**
2 31 HUDSON YARDS, 11TH FLOOR
3 NEW YORK, NY 10001-2170
4 Telephone: 212-372-3030
5 jamesmarsh@marshlaw.com

6 *Attorneys for Plaintiffs*

7 COVINGTON & BURLING LLP

8 By: /s/ Paul W. Schmidt
9 Phyllis A. Jones, *pro hac vice*
10 Paul W. Schmidt, *pro hac vice*
11 COVINGTON & BURLING LLP
12 One City Center
13 850 Tenth Street, NW
14 Washington, DC 20001-4956
15 Telephone: + 1 (202) 662-6000
16 Facsimile: + 1 (202) 662-6291
17 Email: pajones@cov.com

18 *Attorney for Defendants Meta Platforms, Inc.*
19 *f/k/a Facebook, Inc.; Facebook Holdings,*
20 *LLC; Facebook Operations, LLC; Facebook*
21 *Payments, Inc.; Facebook Technologies, LLC;*
22 *Instagram, LLC; Siculus, Inc.; and Mark Elliot*
23 *Zuckerberg*

FAEGRE DRINKER LLP

By: /s/ Andrea Roberts Pierson

Andrea Roberts Pierson, *pro hac vice*

Amy Fiterman, *pro hac vice*

FAEGRE DRINKER LLP

300 N. Meridian Street, Suite 2500

Indianapolis, IN 46204

Telephone: + 1 (317) 237-0300

Facsimile: + 1 (317) 237-1000

Email: andrea.pierson@faegredrinker.com

Email: amy.fiterman@faegredrinker.com

GEOFFREY DRAKE, *pro hac vice*

David Mattern, *pro ha vice*

KING & SPALDING LLP

1180 Peachtree Street, NE, Suite 1600

Atlanta, GA 30309

Tel.: 404-572-4600

Email: gdrake@kslaw.com

Email: dmattern@kslaw.com

*Attorneys for Defendants TikTok Inc. and
ByteDance Inc.*

MUNGER, TOLLES & OLSEN LLP

By: /s/ Jonathan H. Blavin

Jonathan H. Blavin, SBN 230269

MUNGER, TOLLES & OLSON LLP

560 Mission Street, 27th Floor

San Francisco, CA 94105-3089

Telephone: (415) 512-4000

Facsimile: (415) 512-4077

Email: jonathan.blavin@mto.com

Rose L. Ehler (SBN 29652)

Victoria A. Degtyareva (SBN 284199)

Laura M. Lopez, (SBN 313450)

Ariel T. Teshuva (SBN 324238)

MUNGER, TOLLES & OLSON LLP

350 South Grand Avenue, 50th Floor

Los Angeles, CA 90071-3426

Telephone: (213) 683-9100

Facsimile: (213) 687-3702

Email: rose.ehler@mto.com

Email: victoria.degtyareva@mto.com

Email: Ariel.Teshuva@mto.com

Lauren A. Bell (*pro hac vice forthcoming*)

MUNGER, TOLLES & OLSON LLP

601 Massachusetts Ave., NW St.,

Suite 500 E
Washington, D.C. 20001-5369
Telephone: (202) 220-1100
Facsimile: (202) 220-2300
Email: lauren.bell@mto.com

Attorneys for Defendant Snap Inc.

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/ Brian D. Willen
Brian M. Willen
WILSON SONSINI GOODRICH & ROSATI
1301 Avenue of the Americas, 40th Floor
New York, New York 10019
Telephone: (212) 999-5800
Facsimile: (212) 999-5899
Email: bwillen@wsgr.com

Lauren Gallo White
Samantha A. Machock
WILSON SONSINI GOODRICH & ROSATI
One Market Plaza, Spear Tower, Suite 3300
San Francisco, CA 94105
Telephone: (415) 947-2000
Facsimile: (415) 947-2099
Email: lwhite@wsgr.com
Email: smachock@wsgr.com

Christopher Chiou
WILSON SONSINI GOODRICH & ROSATI
633 West Fifth Street
Los Angeles, CA 90071-2048
Telephone: (323) 210-2900
Facsimile: (866) 974-7329
Email: cchiou@wsgr.com

*Attorneys for Defendants YouTube, LLC,
Google LLC, and Alphabet Inc.*

WILLIAMS & CONNOLLY LLP

By: /s/ Ashley W. Hardin

Joseph G. Petrosinelli
jpetrosinelli@wc.com
Ashley W. Hardin
ahardin@wc.com
680 Maine Avenue, SW
Washington, DC 20024
Telephone.: 202-434-5000
Fax: 202-434-5029

*Attorneys for Defendants YouTube, LLC,
Google LLC, and Alphabet Inc.*

ATTESTATION

I, Previn Warren, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

DATED: December 12, 2023

/s/ Previn Warren

Previn Warren